IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1493 (SS) of 2006

Pancham Singh Payal,
S/o Sri Bachan Singh,
No. 872240179, Inspector Fire,
Central Industrial Security Force,
Unit ONGC, Dehradun. **…….Petitioner.**

Versus

1. Union of India through Secretary, Home Affairs, New Delhi.
2. Inspector General, Central Industrial Security Force, Head Quarter, Northern Region Saket, New Delhi.
3. Commandant, Central Industrial Security Force, Unit BHEL, Hardwar.
4. Mahavir Singh, Assistant Commandant, Central Industrial Security Force, Unit ONGC, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Ajay Veer Pundir, learned counsel for the petitioner and Sri Vikas Pandey, learned Standing Counsel for Union of India on behalf of the respondent no. 1 to 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

1. issue the writ, order or direction in the nature of Certiorari quashing the impugned order dated 10.10.2006 and 19.11.2006 passed by respondent in. 4 contained in Annexure No. 1 and 4 to this writ petition.

2. *issue the writ, order or direction in the nature of Mandamus commanding the respondents to give the charge of Company Commander (Fire Wing) Central Industrial Security Force, Unit ONGC, Dehradun to the Petitioner.*

3. *issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioner..*

4. *cost of the petition be awarded in favour of the petitioner.*

The submission of the petitioner is that petitioner, who is working as Inspector (Fire) in Central Industrial Security Force, was posted at ONGC Unit, Dehradun. Petitioner went of leave for 14 days leave on 20.09.2006 and on returning, he was directed to report for shift duty to Company Commander- Sri R. K. Sharma, who is junior to the petitioner.

By order dated 19.11.2006 passed by respondent no. 4 one Sri Sabir Ali Inspector (General Duty), who does not belong to fire wing was asked to take over charge of Company Commander, Fire Wing, as Sri R.K. Sharma, went on leave.

The submission of the petitioner is that petitioner being the senior most Inspector (Fire), the charge of Company Commander Fire Wing should have been given to him and instead of doing this, the charge has been given to Sri Sabir Ali, who does not belong to fire wing.

Learned Standing Counsel has submitted that petitioner has now been transferred form Dehradun to Itawa and has already joined at new place of posting.

Since the petitioner has already been transferred from Dehradun to Itawa and has already joined at new place of posting in pursuance to the transfer order. Now, there is no need to pass any order. Writ petition has become infructuous.

Accordingly, writ petition is dismissed as infructuous Stay Application no. 14517 of 2006 is rejected.

(M.M. Ghildiyal, J)

February 28, 2007
Sksharma